



State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection

Robert C. Shins, Jr.
Commissioner

November 10, 1998

Russ Sattler COO
United Retek of New Jersey 612
River Street
Suite 102-103
Hoboken, NJ 07030

Re: United Retek of New Jersey IET Certification 98-001

Dear Mr. Sattler:

Enclosed is the New Jersey Department of Environmental Protection's Innovative Environmental Technology Certification of the regulatory determination based on the validation of your technology through the New Jersey Corporation for Advanced Technologies (NJCAT) Verification program. I wanted to congratulate you on being the first New Jersey company through this process. The NJCAT Verification validated the performance claims of the Retek process to stabilize and recycle soils contaminated with petroleum hydrocarbon for reuse on-site as subbase paving and curbing materials and for stabilization of lead on-site for the boundary conditions of the soils and contaminants defined in the NJCAT technology verification report. This Certification validates the regulatory determination.

Increasing the use of innovative environmental technologies that have a net benefit effect and that can assist the Department in improving our state's overall environmental quality face a two prong barrier to their commercialization and deployment. One is that investors and user of the environmental technology may not have access to third party validated data of the performance and the potential successes of the technology. The other is that investors or vendors of the environmental technology face a fragmented market place represented by 50 individual state approval programs. The NJCAT verification and NJDEP certification can in part, address these barriers.

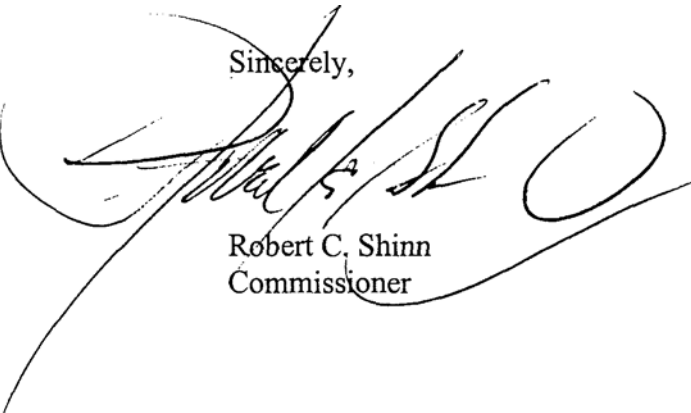
The verification of an innovative environmental technology by a third party entity is of itself a valuable document. It can provide a high degree of confidence to a private sector developer who is seeking to invest in or install and use new environmental technology that can go beyond compliance with regulatory permits or standards. The uniqueness of the NJCAT verification is its direct connection to a regulatory determination. The NJCAT verification validates the Retek process as a categorical exemption for beneficial use. This means that no further case-by-case site specific beneficial use determination or approval is required as defined in the NJDEP Guidance Document for the Remediation of Contaminated Soils, 1998. The NJCAT verification addresses one part of the

barrier to deployment of new environmental technology, increased access to valid third party evaluation data. The verification of an environmental technology should assist in increasing investment in and use of innovative environmental technologies that can improve New Jersey's environmental quality indicators as established in the NJDEP Strategic Plan. However, the key to completing our response to barrier to deployment of new environmental technologies needs to be linked to a regulatory determination. That regulatory link needs to be connected to interstate reciprocity of the acceptance of that technology.

The other part of the equation to response to the barriers to deployment of cleaner technologies is interstate reciprocity for technology and regulatory acceptance. This means that the environmental and operational data and the overall performance of the Retek process, as verified by NJCAT and the regulatory determination, as certified by the NJDEP of the verified Retek process is accessible and useable to other states as outlined in the Six-state MOU Pilot Project Strategies Report. This will interconnect environmental technology and regulatory acceptance in a way that we, state environmental agencies, can now respond to the real or perceived barriers to environmental technology deployment.

Again congratulations on your success and I am sure that the NJCAT will continue to provide appropriate assistance through a broad array of market applications in partnership with the Department. One market assistance that is immediately available to the NJCAT verified Retek process is through the Brownfield and Contaminated Sites Remediation Act NJSA 58:10B-6a. This Act can provide matching funding through the Hazardous Discharge Site Remediation Fund for up to 50% or \$200,000 of the project cost to perform the remedial action certified by NJDEP.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'R. Shinn', is written over the typed name and title.

Robert C. Shinn
Commissioner

Enclosure

- c: Rick Gimello, Assistant Commissioner, Site Remediation
Gary Sondermeyer, Assistant Commissioner, Environmental Regulations
Robert Tudor, Assistant Commissioner, Environmental Planning and Science
Rhea Brekke, Executive Director, NJCAT